IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 9421 OF 2004

M/s.Bajaj Allianz General Insurance Co.Ltd. .. Petitioner

versus

Smt.Laxmibai Y. Salunkhe & Ors... Respondents

...

Mr.D.R. Mahadik i/b S.R.Singh & Co. for the petitioner

Mr.S.B. Deshmukh i/b Vinita V. Bakre for respondent no.3.

CORAM : D.G. KARNIK, J

DATED : 16th February 2006.

P.C.:

1. Heard.

2. The order impugned in this petition is passed under section 140 of the Motor Vehicles Act awarding an amount of Rs.50,000/- as a "No fault" liability. I find no error in the order.

3. Learned counsel for the petitioner submits that the cheque for issuance of a policy/cover note issued by respondent no.3 - the owner had bounced and therefore, there was no contract of insurance. The petitioner had issued a cover note. If there was a failure of contribution, it is a matter of contract between the petitioner and respondent no.3. So far as the third parties are concerned, they are entitled to claim benefit of an insurance policy/cover note issued by the petitioner.

4. No other point was urged. Petition is therefore, rejected. It is clarified that petitioner is at liberty to have his remedies if any, against the respondent no.3.

(D.G. KARNIK, J)